

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
PENNSYLVANIA**

RONALD M. GONDA,	)	Civil Action No. 00-2286
	)	
Plaintiffs,	)	
	)	
v.	)	Chief Judge Donetta W. Ambrose
	)	
METROPOLITAN LIFE INSURANCE	)	
COMPANY and WILLIAM FRIEDT, JR.,	)	
	)	
Defendants	)	

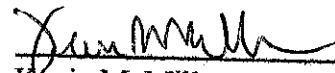
**AFFIDAVIT OF KEVIN M. MILLER**

I, Kevin M. Miller, do hereby swear under oath that I am over the age of 18 years old and that of full age, the following statements are true and correct to the best of my knowledge:

1. I am an associate with the law firm of Behrend & Ernsberger, P.C.
2. At approximately 4:00 p.m., on June 26, 2006, I was admitted to the emergency ward of Allegheny General Hospital as a result of a mild stroke suffered that morning.
3. Prior to my admission to Allegheny General Hospital, I completed Briefs in Response to 15 Motions in Limine filed by Defendant MetLife in the above captioned case.
4. Prior to my admission to Allegheny General Hospital, I believed I had filed each of these 15 responses to Defendant MetLife's Motions in Limine with the Court through the Court's electronic filing system.
5. I was not released from Allegheny General Hospital until the afternoon of Thursday, June 29, 2006 and was instructed by my treating physician that I could not return to work until Wednesday, July 5, 2006.

6. Upon my return to work, and subsequent review of this Court's Orders regarding the Motions in Limine, I learned for the first time that Plaintiff's Brief in Response to Defendants' Motion in Limine to Exclude Exhibit 95 and 107 had not been filed on June 26, 2006, as I had believed.

7. It is my belief that Plaintiff's Response to the 15<sup>th</sup> Motion in Limine was inadvertently not filed as a result of the progressive symptoms of the stroke and my need for immediate emergency treatment at Allegheny General Hospital.

  
Kevin M. Miller  
July 5, 2006

Sworn to and subscribed before me  
this \_\_\_\_ Day of July 2006